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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
February 2012 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

TONY LEE MCLEOD,
aka "Tony,"

Defendant.

Case No. 13CR2297-JLS

I N D I C T M E N T
(Superseding)

Title 18, U.S.C., 2422(b) -
Coercion and Enticement; Title 18,
U.S.C., Sec. 2251(a) and (e) -
Sexual Exploitation of a Child;
Title 18, U.S.C., Sec. 2251(a)
and (e) - Attempted Sexual
Exploitation of a Child; Title 18,
U.S.C., Sec. 2423(b) - Travel with
Intent to Engage in Illicit Sexual
Conduct; Title 18, U.S.C.,
Sec. 2423(a) - Transportation
of a Minor; Title 18, U.S.C.,
Secs. 2253 and 2428 - Criminal
Forfeiture

The grand jury charges:

Count 1

In or about and between March 2013 and June 11, 2013, within the
Southern District of California and elsewhere, defendant TONY LEE
MCLEOD, aka "Tony," using any facility and means of interstate and
foreign commerce, did knowingly persuade, induce, entice, and coerce,
an individual who had not attained the age of 18 years, to wit: minor
victim #1 (age 14), to engage in any sexual activity for which any

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1 person can be charged with a criminal offense, to wit: California
2 Penal Code, Section 288.2; in violation of Title 18, United States
3 Code, Section 2422(b).

4 Count 2

5 On or about and between May 23, 2013 and May 24, 2013, within the
6 Southern District of California and elsewhere, defendant TONY LEE
7 McLEOD, aka "Tony," did employ, use, persuade, induce, entice and
8 coerce minor victim #1 (age 14) to engage in any sexually explicit
9 conduct for the purpose of producing any visual depiction of such
10 conduct, to wit: VID-20130524-00011.3GP, knowing and having reason to
11 know that such visual depiction would be transported and transmitted
12 using any means and facility of interstate commerce and foreign
13 commerce, and such visual depiction was produced and transmitted using
14 materials that had been mailed, shipped and transported in and
15 affecting interstate and foreign commerce by any means, including
16 computer, and such visual depiction was actually transported and
17 transmitted using any means and facility of interstate and foreign
18 commerce and in and affecting interstate and foreign commerce; in
19 violation of Title 18, United States Code, Section 2251(a) and (e).

20 Count 3

21 On or about and between May 25, 2013 and May 26, 2013, within the
22 Southern District of California and elsewhere, defendant TONY LEE
23 McLEOD, aka "Tony," did employ, use, persuade, induce, entice and
24 coerce minor victim #1 (age 14) to engage in any sexually explicit
25 conduct for the purpose of producing a visual depiction of such
26 conduct, to wit: IMG-20130525-00220.jpg, knowing and having reason to
27 know that such visual depiction would be transported and transmitted
28 using any means and facility of interstate commerce and foreign

1 commerce, and such visual depiction was produced and transmitted using
2 materials that had been mailed, shipped and transported in and
3 affecting interstate and foreign commerce by any means, including
4 computer, and such visual depiction was actually transported and
5 transmitted using any means and facility of interstate and foreign
6 commerce and in and affecting interstate and foreign commerce; in
7 violation of Title 18, United States Code, Section 2251(a) and (e).

8 Count 4

9 On or about and between May 25, 2013 and May 26, 2013, within the
10 Southern District of California and elsewhere, defendant TONY LEE
11 McLEOD, aka "Tony," did employ, use, persuade, induce, entice and
12 coerce minor victim #1 (age 14) to engage in any sexually explicit
13 conduct for the purpose of producing a visual depiction of such
14 conduct, to wit: IMG-20130525-00223.jpg, knowing and having reason to
15 know that such visual depiction would be transported and transmitted
16 using any means and facility of interstate commerce and foreign
17 commerce, and such visual depiction was produced and transmitted using
18 materials that had been mailed, shipped and transported in and
19 affecting interstate and foreign commerce by any means, including
20 computer, and such visual depiction was actually transported and
21 transmitted using any means and facility of interstate and foreign
22 commerce and in and affecting interstate and foreign commerce; in
23 violation of Title 18, United States Code, Section 2251(a) and (e).

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Count 5

On or about and between May 25, 2013 and May 26, 2013, within the Southern District of California and elsewhere, defendant TONY LEE McLEOD, aka "Tony," did employ, use, persuade, induce, entice and coerce minor victim #1 (age 14) to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct, to wit: IMG-20130525-00221.jpg, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate commerce and foreign commerce, and such visual depiction was produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including computer, and such visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce; in violation of Title 18, United States Code, Section 2251(a) and (e).

Count 6

On or about and between May 25, 2013 and May 26, 2013, within the Southern District of California and elsewhere, defendant TONY LEE McLEOD, aka "Tony," did attempt to employ, use, persuade, induce, entice and coerce minor victim #1 (age 14) to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct, to wit: IMG-20130525-00222.jpg, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate commerce and foreign commerce, and such visual depiction was produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any

1 means, including computer, and such visual depiction was actually
2 transported and transmitted using any means and facility of interstate
3 and foreign commerce and in and affecting interstate and foreign
4 commerce; in violation of Title 18, United States Code,
5 Section 2251(a) and (e).

6 Count 7

7 On or about and between May 25, 2013 and May 26, 2013, within the
8 Southern District of California and elsewhere, defendant TONY LEE
9 McLEOD, aka "Tony," did employ, use, persuade, induce, entice and
10 coerce minor victim #1 (age 14) to engage in any sexually explicit
11 conduct for the purpose of producing a visual depiction of such
12 conduct, to wit: IMG-20130525-00224.jpg, knowing and having reason to
13 know that such visual depiction would be transported and transmitted
14 using any means and facility of interstate commerce and foreign
15 commerce, and such visual depiction was produced and transmitted using
16 materials that had been mailed, shipped and transported in and
17 affecting interstate and foreign commerce by any means, including
18 computer, and such visual depiction was actually transported and
19 transmitted using any means and facility of interstate and foreign
20 commerce and in and affecting interstate and foreign commerce; in
21 violation of Title 18, United States Code, Section 2251(a) and (e).

22 Count 8

23 On or about and between May 26, 2013 and May 27, 2013, within the
24 Southern District of California and elsewhere, defendant TONY LEE
25 McLEOD, aka "Tony," did employ, use, persuade, induce, entice and
26 coerce minor victim #1 (age 14) to engage in any sexually explicit
27 conduct for the purpose of producing a visual depiction of such
28 conduct, to wit: IMG-20130526-00227.jpg, knowing and having reason to

1 know that such visual depiction would be transported and transmitted
2 using any means and facility of interstate commerce and foreign
3 commerce, and such visual depiction was produced and transmitted using
4 materials that had been mailed, shipped and transported in and
5 affecting interstate and foreign commerce by any means, including
6 computer, and such visual depiction was actually transported and
7 transmitted using any means and facility of interstate and foreign
8 commerce and in and affecting interstate and foreign commerce; in
9 violation of Title 18, United States Code, Section 2251(a) and (e).

10 Count 9

11 On or about and between May 26, 2013 and May 27, 2013, within the
12 Southern District of California and elsewhere, defendant TONY LEE
13 McLEOD, aka "Tony," did employ, use, persuade, induce, entice and
14 coerce minor victim #1 (age 14) to engage in any sexually explicit
15 conduct for the purpose of producing a visual depiction of such
16 conduct, to wit: IMG-20130526-00228.jpg, knowing and having reason to
17 know that such visual depiction would be transported and transmitted
18 using any means and facility of interstate commerce and foreign
19 commerce, and such visual depiction was produced and transmitted using
20 materials that had been mailed, shipped and transported in and
21 affecting interstate and foreign commerce by any means, including
22 computer, and such visual depiction was actually transported and
23 transmitted using any means and facility of interstate and foreign
24 commerce and in and affecting interstate and foreign commerce; in
25 violation of Title 18, United States Code, Section 2251(a) and (e).

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Count 10

On or about June 9, 2013, within the Southern District of California and elsewhere, defendant TONY LEE McLEOD, aka "Tony," did knowingly travel in interstate commerce for the purpose of engaging in any illicit sexual conduct, as defined in Title 18, United States Code, Section 2423(f), with minor victim #1 (age 14), a person under the age of 18 years of age; in violation of Title 18, United States Code, Section 2423(b).

Count 11

On or about and between June 10, 2013 and June 11, 2013, within the Southern District of California and elsewhere, defendant TONY LEE McLEOD, aka "Tony," did knowingly transport an individual who had not attained the age of 18 years, to wit: minor victim #1 (age 14), in interstate commerce, with the intent that such individual engage in sexual activity for which any person can be charged with a criminal offense, to wit: Florida Stat. Section 800.04(5)(a); in violation of Title 18, United States Code, Section 2423(a).

Count 12

In or about and between March 2013 and June 11, 2013, within the Southern District of California and elsewhere, defendant TONY LEE McLEOD, aka "Tony," using any facility and means of interstate and foreign commerce, did knowingly persuade, induce, entice, and coerce, an individual who had not attained the age of 18 years, to wit: minor victim #2 (age 15), to engage in any sexual activity for which any person can be charged with a criminal offense, to wit: California Penal Code Section 288.2; in violation of Title 18, United States Code, Section 2422(b).

Count 13

In or about and between May 2013 and June 11, 2013, within the Southern District of California and elsewhere, defendant TONY LEE McLEOD, aka "Tony," did attempt to employ, use, persuade, induce, entice and coerce minor victim #2 (age 15) to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct and for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate commerce and foreign commerce, and such visual depiction was produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including computer, and such visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce; in violation of Title 18, United States Code, Section 2251(a) and (e).

Count 14

In or about and between May 2013 and June 11, 2013, within the Southern District of California and elsewhere, defendant TONY LEE McLEOD, aka "Tony," did attempt to employ, use, persuade, induce, entice and coerce minor victim #2 (age 15) to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct and for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate commerce and foreign commerce, and such visual depiction was produced and transmitted using materials that had

1 been mailed, shipped and transported in and affecting interstate and
2 foreign commerce by any means, including computer, and such visual
3 depiction was actually transported and transmitted using any means and
4 facility of interstate and foreign commerce and in and affecting
5 interstate and foreign commerce; in violation of Title 18, United
6 States Code, Section 2251(a) and (e).

7 FORFEITURE ALLEGATIONS

8 1. The allegations contained in Counts 1 through 14 of this
9 Superseding Indictment are realleged and by their reference fully
10 incorporated herein for the purpose of alleging forfeiture to the
11 United States of America pursuant to the provisions of Title 18,
12 United States Code, Section 2253 and 2428.

13 2. Upon conviction of the offenses alleged in Counts 1 through
14 14, which involve violations of Title 18, United States Code,
15 Sections 2251(a) and (e), 2422(b), 2423(a), and 2423(b), defendant
16 TONY LEE McLEOD, aka "Tony," shall forfeit to the United States,
17 pursuant to Title 18, United States Code, Sections 2253 and 2428 all
18 interest in:

19 a. any visual depiction which was produced, transported,
20 mailed, shipped or received in violation of law;

21 b. any property, real or personal, constituting or
22 traceable to gross profits or other proceeds obtained from the
23 offense; and

24 c. any property, real or personal, used or intended to be
25 used to commit or to promote the commission of said offense,
26 including, but not limited to:

27 i. One (1) Apple iPad 16GB,

28 S/N: DKVGP1JUDFHW;

- ii. One (1) SanDisk Cruzer 2GB thumb drive,
S/N: BE1003OFDB;
- iii. One (1) Apple iPhone 5, S/N: DNPKEH2QNF8H2;
- iv. One (1) Apple iPhone, S/N: C8VFH5P2DDP7;
- v. One (1) Apple I-Pad2 16 GB,
S/N: DN6FRLEPDKPH
- vi. One (1) Sony VAIO Laptop computer,
Model PCG-7174L, with S/N: 54004193 3002786;
- vii. One (1) E-machine, model EL12-09,
S/N: PTNABOX00285102D563001;
- viii. One (1) PlayStation 3,
S/N: CF417679790-CECH-3001A;
- ix. One (1) HP Mini Laptop, S/N: CNF0173CN1;
- x. One (1) Samsung Galaxy S cellular telephone,
MEID HEX: A0000024EA846A;
- xi. One (1) Apple iPhone, S/N: C8QF8J7TDDP7;
- xii. Samsung Galaxy S cellular telephone,
S/N: A0000024655AA1;
- xiii. Images of minors engaged in sexually explicit
conduct as defined by 18 U.S.C. § 2256.

3. If any of the forfeitable property described above in Paragraph 2, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or

1 e. has been commingled with other property which cannot be
2 subdivided without difficulty; it is the intent of the United States,
3 pursuant to Title 18, United States Code, Section 2253(o) and 2428, to
4 seek forfeiture of any other property of the defendant up to the value
5 of the forfeitable property described above in Paragraph 2.
6 All pursuant to Title 18, United States Code, Sections 2253 and 2428.

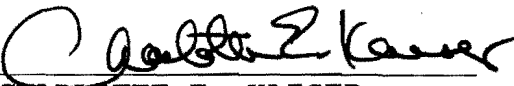
7 DATED: January 10, 2014.

8
9 A TRUE BILL:

10 
11 Foreperson

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13 LAURA E. DUFFY
14 United States Attorney

15 By:

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17 CHARLOTTE E. KAISER
18 Assistant U.S. Attorney
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